



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/878,922 Confirmation No. : 2867  
Applicant(s) : Randall S. HICKLE et al.  
Filed : June 13, 2001  
Title : APPARATUS AND METHOD FOR MASK FREE DELIVERY OF  
: AN INSPIRED GAS MIXTURE AND GAS SAMPLING  
TC/A.U. : 3761  
Examiner : Darwin P. Erez  
Docket No. : 82021-0012 CIP  
Customer No. : 24633

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(c)**

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the document(s) listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application. One copy of Documents A2 and A3 of the listed documents is submitted herewith. A copy of Document A1 was submitted in an Information Disclosure Statement filed December 18, 2001, and is therefore not submitted herewith.

This information disclosure statement is being filed within one of the following time periods: after receipt of an Office Action but before the mailing date of a Final Office Action, Notice of Allowance, or an action that otherwise closes the prosecution in this application. The Information Disclosure Statement fee of \$180.00 is attached.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this Information Disclosure Statement were first cited in the attached  
05/10/2006 JADD01 08000127 09878922  
Search Report dated February 6, 2006, in counterpart European Application No. 180.00 OP  
EP 01 94 6277.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art"

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Information Disclosure Statement

under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

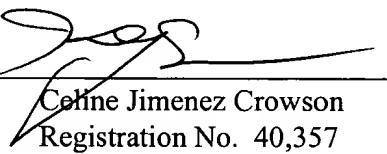
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Dated: May 9, 2006

By:



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<p>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE          (Modified) PATENT AND TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</p> <p>(Use several sheets if necessary)</p> <p><i>EX-1449-5</i></p>	ATTY. DOCKET NO.  82021-0012 CIP	APPLICATION NO.  09/878,922
	APPLICANTS  Randall S. HICKLE et al.	
	FILING DATE  June 13, 2001	GROUP  3731



## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
EXAMINER		DATE CONSIDERED

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.